

REMARKS

I. Introduction

With the cancellation without prejudice of claims 4, 10, 11 and 13, claims 1 to 3, 5 to 9 and 12 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants thank Examiner for considering the Information Disclosure Statement (IDS) filed on August 18, 2003, and for acknowledging the claim for foreign priority and indicating that all certified copies of the priority documents have been received.

II. Objection to the Drawings

As regards the objection to the Drawings, the Examiner will note that the original Figure 5 has been deleted and the original Figures 6 and 7 have been renamed Figures 5 and 6, respectively; new labels have been added to Figures 1, 2 and 4; axis labels and a title have been added to Figure 3; axis labels and a legend have been added to Figure 5 (i.e., old Figure 6); and labels have been added to Figure 6 (i.e., old Figure 7). In addition, the Specification has been amended to conform to the amendments made to the above-mentioned figures. No new matter has been added. Accordingly, withdrawal of this objection is respectfully requested.

III. Rejection of Claims 2, 5, 11 and 13 Under 35 U.S.C. § 112

Claims 2, 5, 11 and 13 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. It is respectfully submitted that these claims are sufficiently definite for at least the following reasons.

As an initial matter, claims 11 and 13 have been canceled, thereby rendering moot the rejection with respect to these claims.

As regards claim 2, the Examiner will note that claim 2 has been amended to recite that **at least one of the individual sequence steps may be repeated at least once**, thereby eliminating any allegedly relative language and rendering moot the rejection with respect to this claim.

As regards claim 5, contrary to the contentions appearing in paragraph 7 of the Office Action, it is respectfully submitted that the Specification does

sufficiently define and differentiate between “essential premises” and “necessary premises.” As indicated on page 7, lines 10 to 14 of the Specification:

In the case of the premises, a differentiation may be made between **essential premises**, which may make a difference for the calculations of machine-relevant results, and **necessary premises** which have only an informative character. These premises may be used by the manufacturing planner at the same time as a questionnaire as to which data may be necessary for planning. (Emphasis added).

In addition, examples of essential premises are given from page 7, line 16 to page 8, line 3 of the Specification, and examples of necessary premises are given on page 8, lines 5 to 20 of the Specification. Accordingly, it is respectfully submitted that claim 5 is sufficiently definite for at least these reasons.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

IV. Rejection of Claims 10 to 11 Under 35 U.S.C. § 101

Regarding the rejection of claims 10 to 11 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter, the Examiner will note that claims 10 and 11 have been canceled, thereby rendering moot the rejection with respect to these claims. Accordingly, withdrawal of this rejection is respectfully requested.

V. Rejection of Claims 1 to 8 Under 35 U.S.C. § 102(e)

Claims 1 to 8 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publication No. 2002/0120490 (“Gajewski et al.”). It is respectfully submitted that Gajewski et al. do not anticipate these claims for at least the following reasons.

Although Applicants may not agree with the merits of the rejection, to facilitate matters, claim 1 has been amended to incorporate the features of claim 4, claim 4 has been canceled and claims 5 and 6 have been amended to change their antecedent references from claim 4 to claim 1. Claim 1 as amended recites, in relevant part, that **the individual sequence steps includes: performing a market analysis; executing a value design process; setting up project premises;**

performing a product analysis; setting up a process graph; setting up a structural concept; working out a manufacturing concept; and setting up a rough layout.

Gajewski et al. do not disclose, or even suggest, that individual sequence steps executed in a method for production planning include setting up a process graph. **Contrary to the contentions appearing on page 8, line 8 of the Office Action, paragraph [0031] of Gajewski et al. does not mention a process graph specifying the processes for manufacturing and assembling a product, but relates to vehicle system planning, risks, issues, action items, team contacts, etc.** Accordingly, it is respectfully submitted that Gajewski et al. do not anticipate claim 1 for at least these reasons.

As mentioned above, claim 4 has been canceled, thereby rendering moot the rejection with respect to this claim.

As for claims 2, 3 and 5 to 8, which ultimately depend from claim 1 and therefore include all of the features of claim 1, it is respectfully submitted Gajewski et al. do not anticipate these dependent claims for at least the reasons set forth above in support of the patentability of claim 1.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

VI. Rejection of Claims 9 to 13 Under 35 U.S.C. § 103(a)

Claims 9 to 13 were rejected under 35 U.S.C. § 103(a) as unpatentable over Gajewski et al. It is respectfully submitted that Gajewski et al. do not render these claims unpatentable for at least the following reasons.

As an initial matter, claims 10, 11 and 13 have been canceled, thereby rendering moot the rejection with respect to these claims.

As for claims 9 and 12, these claims include features analogous to those of claim 1 and have been amended in a manner analogous to claim 1. In addition, as set forth above, Gajewski et al. do not disclose or suggest all of the features of claim 1. Accordingly, it is respectfully submitted that claims 9 and 12 are allowable for at least the reasons set forth above in support of the patentability of claim 1.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

VII. Conclusion

In light of the foregoing, Applicants respectfully submit that all pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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